

VIA FACSIMILE NO.: (703) 872-9310

PATENT
HER07 P-107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group : 1763
Examiner : Parviz Hassanzadeh
Applicants : Thomas Gebele, Jürgen Henrich, Stefan Bangert, Jürgen Honekamp,
Dr. Elisabeth Budke, Jürgen Ulrich and Dr. Helmut Grimm
Serial No. : 09/710,769
Filed : November 9, 2000
For : ELECTRODE ARRANGEMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

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RESPONSE TO ELECTION/RESTRICTION REQUIREMENT (2 pages)

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Date: July 22, 2002.

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JUL 23/02VIA FACSIMILE NO.: (703) 872-9310P A T E N T
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Dear Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

This is in response to the Office Action mailed June 21, 2002. The Office Action was designated an election/restriction requirement in which Applicants were required to elect between claims 1-27 drawn to an apparatus and claims 28-33 drawn to a method. Because the Office Action improperly required restriction between corresponding method and apparatus claims, the election requirement is traversed. Under 806.05(e) of the Manual of Patent Examining Procedure, restriction is improper unless the process as claimed can be practiced by another materially different apparatus or that the apparatus as claimed can practice another materially different process. The Office Action takes the position that restriction is proper because "in this case, the apparatus can be used for plasma cleaning of a substrate rather than for plasma coating of a substrate." However, claim 1 is directed to an electrode arrangement for a plasma-aided coating of a substrate with a layer. The manner in which the Examiner appears to be reading the claims cannot be sustained. Accordingly, it is submitted that the restriction requirement is improper and should be withdrawn. Withdrawal is requested.

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Page : 2

The Office Action further makes a species election between Species 1 related to Fig. 1, Species 2 related to Fig. 3, Species 3 related to Fig. 4 and Species 4 related to Fig. 5.

Applicants hereby provisionally elect claims 1-27 drawn to the apparatus and Species 1 relating to Fig. 1 for further prosecution should the restriction requirement not be withdrawn.

Respectfully submitted,

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STEFAN BANGERT, JÜRGEN HONEKAMP,
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